

SECOND REGULAR SESSION

# HOUSE BILL NO. 1849

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CONWAY (104) (Sponsor), ELLINGER, RICHARDSON,  
HINSON, LICHTENEGGER, COLONA, MEREDITH, McDONALD, WALTON GRAY, KELLY (45),  
MORGAN, MCNEIL, HUMMEL, KIRKTON AND SMITH (Co-sponsors).

5433L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 210.110, 210.145, 210.152, 210.153, and 210.183, RSMo, and to enact in lieu thereof five new sections relating to the child abuse and neglect registry, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 210.110, 210.145, 210.152, 210.153, and 210.183, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 210.110, 210.145,  
3 210.152, 210.153, and 210.183, to read as follows:

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the  
2 following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse;

7 (2) "Assessment and treatment services for children under ten years old", an approach  
8 to be developed by the children's division which will recognize and treat the specific needs of  
9 at-risk and abused or neglected children under the age of ten. The developmental and medical  
10 assessment may be a broad physical, developmental, and mental health screening to be  
11 completed within thirty days of a child's entry into custody and every six months thereafter as  
12 long as the child remains in care. Screenings may be offered at a centralized location and  
13 include, at a minimum, the following:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (a) Complete physical to be performed by a pediatrician familiar with the effects of abuse  
15 and neglect on young children;

16 (b) Developmental, behavioral, and emotional screening in addition to early periodic  
17 screening, diagnosis, and treatment services, including a core set of standardized and recognized  
18 instruments as well as interviews with the child and appropriate caregivers. The screening  
19 battery may be performed by a licensed mental health professional familiar with the effects of  
20 abuse and neglect on young children, who will then serve as the liaison between all service  
21 providers in ensuring that needed services are provided. Such treatment services may include  
22 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family  
23 counseling, parenting training and other best practices.

24

25 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth  
26 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

27 (3) "Central registry", a registry of persons where the division has found probable cause  
28 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,  
29 or a court has substantiated through court adjudication that the individual has committed child  
30 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to  
31 section 565.020, 565.021, 565.023, 565.024 or 565.050 if the victim is a child less than eighteen  
32 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,  
33 or other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and  
34 the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less  
35 than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or  
36 568.090, section 573.025 or 573.035, or an attempt to commit any such crimes. Any persons  
37 placed on the registry [prior to August 28, 2004,] shall remain on the registry for the duration of  
38 time required by section 210.152;

39 (4) "Child", any person, regardless of physical or mental condition, under eighteen years  
40 of age;

41 (5) "Children's services providers and agencies", any public, quasi-public, or private  
42 entity with the appropriate and relevant training and expertise in delivering services to children  
43 and their families as determined by the children's division, and capable of providing direct  
44 services and other family services for children in the custody of the children's division or any  
45 such entities or agencies that are receiving state moneys for such services;

46 (6) "Director", the director of the Missouri children's division within the department of  
47 social services;

48 (7) "Division", the Missouri children's division within the department of social services;

49 (8) "Family assessment and services", an approach to be developed by the children's  
50 division which will provide for a prompt assessment of a child who has been reported to the  
51 division as a victim of abuse or neglect by a person responsible for that child's care, custody or  
52 control and of that child's family, including risk of abuse and neglect and, if necessary, the  
53 provision of community-based services to reduce the risk and support the family;

54 (9) "Family support team meeting" or "team meeting", a meeting convened by the  
55 division or children's services provider in behalf of the family and/or child for the purpose of  
56 determining service and treatment needs, determining the need for placement and developing a  
57 plan for reunification or other permanency options, determining the appropriate placement of the  
58 child, evaluating case progress, and establishing and revising the case plan;

59 (10) "Investigation", the collection of physical and verbal evidence to determine if a  
60 child has been abused or neglected;

61 (11) "Jail or detention center personnel", employees and volunteers working in any  
62 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
63 provided to persons who are being held under custody of the law;

64 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control  
65 of the child, the proper or necessary support, education as required by law, nutrition or medical,  
66 surgical, or any other care necessary for the child's well-being;

67 (13) "Preponderance of the evidence", that degree of evidence that is of greater weight  
68 or more convincing than the evidence which is offered in opposition to it or evidence which as  
69 a whole shows the fact to be proved to be more probable than not;

70 (14) "Probable cause", available facts when viewed in the light of surrounding  
71 circumstances which would cause a reasonable person to believe a child was abused or  
72 neglected;

73 (15) "Report", the communication of an allegation of child abuse or neglect to the  
74 division pursuant to section 210.115;

75 (16) "Those responsible for the care, custody, and control of the child", those included  
76 but not limited to the parents or guardian of a child, other members of the child's household, or  
77 those exercising supervision over a child for any part of a twenty-four-hour day. Those  
78 responsible for the care, custody and control shall also include any adult who, based on  
79 relationship to the parents of the child, members of the child's household or the family, has  
80 access to the child.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or  
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with  
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and  
8 maintaining reports. This information system shall have the ability to receive reports over a  
9 single, statewide toll-free number. Such information system shall maintain the results of all  
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification  
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall  
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect  
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported  
15 risk and injury to the child. The division shall promulgate rules regarding the structured  
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
18 including reports which if true would constitute a suspected violation of any of the following:  
19 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen  
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,  
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the  
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than  
23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or  
24 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such  
25 crimes. The division shall immediately communicate all reports that merit investigation to its  
26 appropriate local office and any relevant information as may be contained in the information  
27 system. The local division staff shall determine, through the use of protocols developed by the  
28 division, whether an investigation or the family assessment and services approach should be used  
29 to respond to the allegation. The protocols developed by the division shall give priority to  
30 ensuring the well-being and safety of the child.

31 4. When the child abuse and neglect hotline receives three or more calls, within a  
32 seventy-two hour period, from one or more individuals concerning the same child, the division  
33 shall conduct a review to determine whether the calls meet the criteria and statutory definition  
34 for a child abuse and neglect report to be accepted. In conducting the review, the division shall  
35 contact the hotline caller or callers in order to collect information to determine whether the calls  
36 meet the criteria for harassment.

37 5. The local office shall contact the appropriate law enforcement agency immediately  
38 upon receipt of a report which division personnel determine merits an investigation and provide  
39 such agency with a detailed description of the report received. In such cases the local division

40 office shall request the assistance of the local law enforcement agency in all aspects of the  
41 investigation of the complaint. The appropriate law enforcement agency shall either assist the  
42 division in the investigation or provide the division, within twenty-four hours, an explanation  
43 in writing detailing the reasons why it is unable to assist.

44 6. The local office of the division shall cause an investigation or family assessment and  
45 services approach to be initiated in accordance with the protocols established in subsection 2 of  
46 this section, except in cases where the sole basis for the report is educational neglect. If the  
47 report indicates that educational neglect is the only complaint and there is no suspicion of other  
48 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the  
49 report. If the report indicates the child is in danger of serious physical harm or threat to life, an  
50 investigation shall include direct observation of the subject child within twenty-four hours of the  
51 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct  
52 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's  
53 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the  
54 child are not the alleged abusers, a parent of the child must be notified prior to the child being  
55 interviewed by the division. No person responding to or investigating a child abuse and neglect  
56 report shall call prior to a home visit or leave any documentation of any attempted visit, such as  
57 business cards, pamphlets, or other similar identifying information if he or she has a reasonable  
58 basis to believe the following factors are present:

- 59 (1) (a) No person is present in the home at the time of the home visit; and  
60 (b) The alleged perpetrator resides in the home or the physical safety of the child may  
61 be compromised if the alleged perpetrator becomes aware of the attempted visit;  
62 (2) The alleged perpetrator will be alerted regarding the attempted visit; or  
63 (3) The family has a history of domestic violence or fleeing the community.

64

65 If the alleged perpetrator is present during a visit by the person responding to or investigating the  
66 report, such person shall provide written material to the alleged perpetrator informing him or her  
67 of his or her rights regarding such visit, including but not limited to the right to contact an  
68 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written  
69 material or have such material read to him or her by the case worker before the visit commences,  
70 but in no event shall such time exceed five minutes; except that, such requirement to provide  
71 written material and reasonable time to read such material shall not apply in cases where the  
72 child faces an immediate threat or danger, or the person responding to investigating the report  
73 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in  
74 a school or child care facility the division shall not meet with the child in any school building  
75 or child-care facility building where abuse of such child is alleged to have occurred. When the

76 child is reported absent from the residence, the location and the well-being of the child shall be  
77 verified. For purposes of this subsection, child care facility shall have the same meaning as such  
78 term is defined in section 210.201.

79 7. The director of the division shall name at least one chief investigator for each local  
80 division office, who shall direct the division response on any case involving a second or  
81 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
82 investigator shall include verification of direct observation of the subject child by the division  
83 and shall ensure information regarding the status of an investigation is provided to the public  
84 school district liaison. The public school district liaison shall develop protocol in conjunction  
85 with the chief investigator to ensure information regarding an investigation is shared with  
86 appropriate school personnel. The superintendent of each school district shall designate a  
87 specific person or persons to act as the public school district liaison. Should the subject child  
88 attend a nonpublic school the chief investigator shall notify the school principal of the  
89 investigation. Upon notification of an investigation, all information received by the public  
90 school district liaison or the school shall be subject to the provisions of the federal Family  
91 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
92 CFR, Part 99.

93 8. The investigation shall include but not be limited to the nature, extent, and cause of  
94 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
95 names and conditions of other children in the home, if any; the home environment and the  
96 relationship of the subject child to the parents or other persons responsible for the child's care;  
97 any indication of incidents of physical violence against any other household or family member;  
98 and other pertinent data.

99 9. When a report has been made by a person required to report under section 210.115,  
100 the division shall contact the person who made such report within forty-eight hours of the receipt  
101 of the report in order to ensure that full information has been received and to obtain any  
102 additional information or medical records, or both, that may be pertinent.

103 10. Upon completion of the investigation, if the division suspects that the report was  
104 made maliciously or for the purpose of harassment, the division shall refer the report and any  
105 evidence of malice or harassment to the local prosecuting or circuit attorney.

106 11. Multidisciplinary teams shall be used whenever conducting the investigation as  
107 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
108 shall be used in providing protective or preventive social services, including the services of law  
109 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
110 other agencies, both public and private.

12. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

13. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

15. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child, and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any **changes in classification under subsection 2 of this section or subsection 1 of section 210.152, or any** subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

17. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

18. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:



(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

19. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

20. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

21. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division **after July 1, 2015, shall be classified in one of the following tiers based on level of harm to the child:**

**(1) Tier one. Such classification shall include all cases of substantiated sexual abuse or serious physical or emotional abuse or serious neglect;**

**(2) Tier two. Such classification shall include cases involving multiple substantiated instances of child abuse or neglect that are not classified as serious; or**

**(3) Tier three. Such classification shall include cases involving a single substantiated instance of child abuse or neglect that are not classified as serious.**

**By July 1, 2015, the division shall promulgate rules to establish the standards for each classification in this subsection.**

13           **2. The identifying information described in subsection 1 of this section shall be**  
14 retained by the division and removed from the records of the division as follows:

15           (1) For investigation reports contained in the central registry[, identifying information  
16 shall be retained by the division] :

17           **(a) All tier one cases shall be placed on the registry for life;**

18           **(b) All tier two cases shall be placed on the registry for ten years. Any tier two**  
19 **cases shall be eligible for record removal from the registry at the expiration of such ten-**  
20 **year period, unless the individual is found to have committed another act of child abuse**  
21 **or neglect within such ten-year period, in which case the ten-year period on the registry**  
22 **begins from the date of the commission of the subsequent act of child abuse or neglect; and**

23           **(c) All tier three cases shall be placed on the registry for five years and shall be**  
24 **eligible for record removal from the registry at the end of such five-year period; except**  
25 **that, if a person is found to have committed a subsequent act of child abuse or neglect, the**  
26 **person shall be included in the tier two classification;**

27           (2) (a) For investigation reports initiated against a person required to report pursuant to  
28 section 210.115, where insufficient evidence of abuse or neglect is found by the division and  
29 where the division determines the allegation of abuse or neglect was made maliciously, for  
30 purposes of harassment or in retaliation for the filing of a report by a person required to report,  
31 identifying information shall be expunged by the division within forty-five days from the  
32 conclusion of the investigation;

33           (b) For investigation reports, where insufficient evidence of abuse or neglect is found  
34 by the division and where the division determines the allegation of abuse or neglect was made  
35 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying  
36 information shall be expunged by the division within forty-five days from the conclusion of the  
37 investigation;

38           (c) For investigation reports initiated by a person required to report under section  
39 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
40 information shall be retained for [five] **two** years from the conclusion of the investigation. For  
41 all other investigation reports where insufficient evidence of abuse or neglect is found by the  
42 division, identifying information shall be retained for two years from the conclusion of the  
43 investigation. Such reports shall include any exculpatory evidence known by the division,  
44 including exculpatory evidence obtained after the closing of the case. At the end of such time  
45 period, the identifying information shall **automatically** be removed from the records of the  
46 division and destroyed;

47           (3) For reports where the division uses the family assessment and services approach,  
48 identifying information shall be retained by the division **in accordance with the provisions of**  
49 **this subsection;**

50           (4) For reports in which the division is unable to locate the child alleged to have been  
51 abused or neglected, identifying information shall be retained for ten years from the date of the  
52 report and then shall be removed from the records of the division.

53           [2.] 3. Within ninety days after receipt of a report of abuse or neglect that is investigated,  
54 the alleged perpetrator named in the report and the parents of the child named in the report, if the  
55 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the  
56 division based on the investigation. The notice shall advise either:

57           (1) (a) That the division has determined by a probable cause finding prior to August 28,  
58 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists,  
59 **and the classification of the report under subsection 2 of section 210.145 or subsection 1**  
60 **of this section;** and

61           (b) That the division shall retain all identifying information regarding the abuse or  
62 neglect **for the duration of time specified in subsection 2 of this section;**

63           (c) That such information shall remain confidential and will not be released except to  
64 law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150;

65           (d) That the alleged perpetrator has sixty days from the date of receipt of the notice to  
66 seek reversal of the division's determination through a review by the child abuse and neglect  
67 review board as provided in subsection 4 of this section; **and**

68           (e) **That for tier two and tier three cases under this section, the information**  
69 **contained on the registry is eligible for record removal from the registry at the end of the**  
70 **duration of time specified in subsection 2 of this section and the procedure for requesting**  
71 **such record removal from the registry by the alleged perpetrator; or**

72           (2) That the division has not made a probable cause finding or determined by a  
73 preponderance of the evidence that abuse or neglect exists.

74           [3.] 4. The children's division may reopen a case for review at the request of the alleged  
75 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible  
76 evidence is obtained that the division's decision was based on fraud or misrepresentation of  
77 material facts relevant to the division's decision and there is credible evidence that absent such  
78 fraud or misrepresentation the division's decision would have been different. If the alleged  
79 victim is under the age of eighteen, the request for review may be made by the alleged victim's  
80 parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall  
81 be made within a reasonable time and not more than one year after the children's division made  
82 its decision. The division shall not reopen a case for review based on any information which the

83 person requesting the review knew, should have known, or could by the exercise of reasonable  
84 care have known before the date of the division's final decision in the case, unless the person  
85 requesting the review shows by a preponderance of the evidence that he or she could not have  
86 provided such information to the division before the date of the division's final decision in the  
87 case. Any person, other than the office of the child advocate, who makes a request to reopen a  
88 case for review based on facts which the person knows to be false or misleading or who acts in  
89 bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity  
90 from any liability, civil or criminal, for providing the information and requesting that the division  
91 reopen the investigation. Any person who makes a request to reopen an investigation based on  
92 facts which the person knows to be false shall be guilty of a class A misdemeanor. The  
93 children's division shall not reopen an investigation under any circumstances while the case is  
94 pending before a court of this state nor when a court has entered a final judgment after de novo  
95 judicial review pursuant to this section.

96 [4.] 5. Any person named in an investigation as a perpetrator who is aggrieved by a  
97 determination of abuse or neglect by the division as provided in this section may seek an  
98 administrative review by the child abuse and neglect review board pursuant to the provisions of  
99 section 210.153. Such request for review shall be made within sixty days of notification of the  
100 division's decision under this section. In those cases where criminal charges arising out of facts  
101 of the investigation are pending, the request for review shall be made within sixty days from the  
102 court's final disposition or dismissal of the charges.

103 [5.] 6. In any such action for administrative review, the child abuse and neglect review  
104 board shall sustain the division's determination if such determination was supported by evidence  
105 of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence  
106 after August 28, 2004, and is not against the weight of such evidence. The child abuse and  
107 neglect review board hearing shall be closed to all persons except the parties, their attorneys and  
108 those persons providing testimony on behalf of the parties.

109 [6.] 7. If the alleged perpetrator is aggrieved by the decision of the child abuse and  
110 neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit  
111 court in the county in which the alleged perpetrator resides and in circuits with split venue, in  
112 the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator  
113 is not a resident of the state, proper venue shall be in Cole County. The case may be assigned  
114 to the family court division where such a division has been established. The request for a  
115 judicial review shall be made within sixty days of notification of the decision of the child abuse  
116 and neglect review board decision. In reviewing such decisions, the circuit court shall provide  
117 the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator

118 may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court  
119 shall have the discretion to allow the parties to submit the case upon a stipulated record.

120 [7.] 8. In any such action for administrative review, the child abuse and neglect review  
121 board shall notify the child or the parent, guardian or legal representative of the child that a  
122 review has been requested.

123 9. (1) Individuals placed on the child abuse and neglect registry after July 1, 2015,  
124 may petition the children's division for review and record removal of all identifying  
125 information from the registry based on such individual's classification under subsection  
126 1 of this section. Individuals placed on the child abuse and neglect registry prior to July  
127 1, 2015, may petition the children's division for classification under subsection 1 of this  
128 section and record removal from the registry if such individual is eligible based on his or  
129 her classification under subsection 1 of this section.

130 (2) A petition for record removal from the registry under this subsection shall state  
131 good cause for such record removal, which shall include, but not be limited to:

132 (a) Proof of rehabilitation;

133 (b) Acceptance of personal responsibility for placement on the registry; and

134 (c) At least two letters supporting the petition from individuals not related by blood  
135 or marriage.

136 (3) The children's division shall make a decision on a petition within ninety days  
137 of receiving such petition. The division shall grant a petition if the petitioner has satisfied  
138 the criteria in subdivision (2) of this subsection and the division determines that the  
139 petitioner poses no significant risk to children or other vulnerable populations.

140 (4) Any individual aggrieved by the decision of the children's division may seek  
141 review by the child abuse and neglect review board in accordance with the provisions of  
142 subsection 5 of this section. Any individual aggrieved by the decision of the child abuse  
143 and neglect review board may seek de novo judicial review of such decision in accordance  
144 with the provisions of subsection 7 of this section. Any individual whose petition for record  
145 removal from the registry is denied may refile such petition for record removal from the  
146 registry two years after the final denial of such petition.

147 (5) When the division grants record removal from the registry under this  
148 subsection, the division shall maintain a record of the underlying report and investigation  
149 or assessment of child abuse or neglect. Identifying information on such a record shall not  
150 be available to individuals or entities requesting an examination of the central registry  
151 from the division for employees or prospective employees, including but not limited to  
152 entities listed in subdivision (8) of subsection 2 of section 210.150.

153           **(6) The children's division shall be a party to any action before the child abuse and**  
154 **neglect review board or court regarding record removal from the child abuse and neglect**  
155 **registry.**

210.153. 1. There is hereby created in the department of social services the "Child  
2 Abuse and Neglect Review Board", which shall provide an independent review of child abuse  
3 and neglect determinations in instances in which the alleged perpetrator is aggrieved by the  
4 decision of the children's division **and review record removal petitions under subdivision (4)**  
5 **of subsection 9 of section 210.152.** The division may establish more than one board to assure  
6 timely review of the determination **and record removal petitions.**

7           2. The board shall consist of nine members, who shall be appointed by the governor with  
8 the advice and consent of the senate, and shall include:

9           (1) A physician, nurse or other medical professional;

10           (2) A licensed child or family psychologist, counselor or social worker;

11           (3) An attorney who has acted as a guardian ad litem or other attorney who has  
12 represented a subject of a child abuse and neglect report;

13           (4) A representative from law enforcement or a juvenile office.

14           3. Other members of the board may be selected from:

15           (1) A person from another profession or field who has an interest in child abuse or  
16 neglect;

17           (2) A college or university professor or elementary or secondary teacher;

18           (3) A child advocate;

19           (4) A parent, foster parent or grandparent.

20           4. The following persons may participate in a child abuse and neglect review board  
21 review:

22           (1) Appropriate children's division staff and legal counsel for the department;

23           (2) The alleged perpetrator, who may be represented pro se or be represented by legal  
24 counsel. The alleged perpetrator's presence is not required for the review to be conducted. The  
25 alleged perpetrator may submit a written statement for the board's consideration in lieu of  
26 personal appearance; and

27           (3) Witnesses providing information on behalf of the child, the alleged perpetrator or the  
28 department. Witnesses shall only be allowed to attend that portion of the review in which they  
29 are presenting information.

30           5. The members of the board shall serve without compensation, but shall receive  
31 reimbursement for reasonable and necessary expenses actually incurred in the performance of  
32 their duties.

33           6. All records and information compiled, obtained, prepared or maintained by the child  
34 abuse and neglect review board in the course of any review shall be confidential information.

35           7. The department shall promulgate rules and regulations governing the operation of the  
36 child abuse and neglect review board except as otherwise provided for in this section. These  
37 rules and regulations shall, at a minimum, describe the length of terms, the selection of the  
38 chairperson, confidentiality, notification of parties and time frames for the completion of the  
39 review.

40           8. Findings of probable cause to suspect prior to August 28, 2004, or findings by a  
41 preponderance of the evidence after August 28, 2004, of child abuse and neglect by the division  
42 which are substantiated by court adjudication shall not be heard by the child abuse and neglect  
43 review board.

          210.183. 1. At the time of the initial investigation of a report of child abuse or neglect,  
2 the division employee conducting the investigation shall provide the alleged perpetrator with a  
3 written description of the investigation process **by certified mail, return receipt requested**.  
4 Such written notice shall be given substantially in the following form:

5           "The investigation is being undertaken by the Children's Division pursuant to the  
6 requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child  
7 abuse or neglect.

8           The identity of the person who reported the incident of abuse or neglect is confidential  
9 and may not even be known to the Division since the report could have been made anonymously.

10          This investigation is required by law to be conducted in order to enable the Children's  
11 Division to identify incidents of abuse or neglect in order to provide protective or preventive  
12 social services to families who are in need of such services.

13          The division shall make every reasonable attempt to complete the investigation within  
14 thirty days, except if a child involved in the pending investigation dies, the investigation shall  
15 remain open until the division's investigation surrounding the death is completed. Otherwise,  
16 within ninety days you will receive a letter from the Division which will inform you of one of  
17 the following:

18           (1) That the Division has found insufficient evidence of abuse or neglect; or

19           (2) That there appears to be by a preponderance of the evidence reason to suspect the  
20 existence of child abuse or neglect in the judgment of the Division and that the Division will  
21 contact the family to offer social services.

22          If the Division finds by a preponderance of the evidence reason to believe child abuse or  
23 neglect has occurred or the case is substantiated by court adjudication, a record of the report and  
24 information gathered during the investigation will remain on file with the Division.

25           If you disagree with the determination of the Division and feel that there is insufficient  
26 reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you  
27 have a right to request an administrative review at which time you may hire an attorney to  
28 represent you. If you request an administrative review on the issue, you will be notified of the  
29 date and time of your administrative review hearing by the child abuse and neglect review board.  
30 If the Division's decision is reversed by the child abuse and neglect review board, the Division  
31 records concerning the report and investigation will be updated to reflect such finding. If the  
32 child abuse and neglect review board upholds the Division's decision, an appeal may be filed in  
33 circuit court within sixty days of the child abuse and neglect review board's decision.

34           **If a record of the report is placed on the child abuse and neglect registry, such**  
35 **report may be eligible for record removal after a specified time period based upon the**  
36 **classification of the report under Chapter 210. At the end of the Division's investigation,**  
37 **the Division will provide you with information regarding any request for record removal**  
38 **of the report if the report is placed on the child abuse and neglect registry."**

39           2. If the division uses the family assessment approach, the division shall at the time of  
40 the initial contact provide the parent of the child with the following information:

- 41           (1) The purpose of the contact with the family;  
42           (2) The name of the person responding and his or her office telephone number;  
43           (3) The assessment process to be followed during the division's intervention with the  
44 family including the possible services available and expectations of the family.

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